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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,552	04/01/2004	William Young	5Y01.1-011	7140

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GARDNER GROFF, P.C.  
2018 POWERS FERRY ROAD  
SUITE 800  
ATLANTA, GA 30339

EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*W*

## Office Action Summary

Application No.

10/815,552

Applicant(s)

YOUNG, WILLIAM

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7/7/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20, 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-5, 13, 14 and 21 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

This is the final Office Action for the serial number 10/815,552, CAMERA STAND, filed on 4/1/04.

#### *Claim Objections*

Claim 19-20 are objected to because of the following informalities: Claim 19, line 13, "the anchor adjacent are each other" is indefinite and should be changed to ---the anchor are adjacent each other--- for clarification. Appropriate correction is required.

Claim 20 is objected as depending on objected claim 19.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5,510,863 to Kliewer in view of US Patent # 6,286,796 to Pugliesi.

Kliewer teaches a stand (figure 1) comprising an upper section including a platform (11), a lower section (6) and an adjustment mechanism (7 and 16). The upper section includes an upper shaft (figure 2, outer part of shaft, 4) extending downward from the platform. The lower

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section includes a lower shaft (figure 2, inner part of shaft that is connected to element 6) extending upward from the anchor. The adjustment mechanism includes a vertical adjustment/securing mechanism (16) coupling between the upper shaft and the lower shaft. The upper shaft and the lower shaft are telescopically arranged to form the vertical adjustment coupling of the adjustment mechanism. The adjustment mechanism includes a rotational adjustment (16) coupling between the upper shaft and the lower shaft. The upper shaft and lower shaft are telescopically arranged to form the rotational adjustment coupling of the adjustment mechanism. The securing mechanism comprises a set screw extendable through an outer one of the upper and lower sections and engageable with an inner one of the upper and lower sections. The upper section includes a camera mounting mechanism (12) adapted to secure the camera to the platform.

Kliewer teaches the lower section but fails to teach the lower section comprising an anchor, however in figure 17, which is a different embodiment, shows the lower section (17) comprising anchor (35). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the lower section with anchor to provide support for supporting stand on the ground.

Kliewer teaches a camera mounting mechanism but fails to teach the camera mounting mechanism includes a plurality of openings in the platform and at least one strap selectively positionable between selected one of the openings. Furthermore, Kliewer teaches the platform having a generally horizontal camera-supporting section but fails to teach the platform having

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vertical back section. Pugliesi teaches the camera mounting mechanism (figures 2-3) comprising a plurality of openings (52 and 54) and at least one strap (66) selectively positionable between selected one of the openings. The platform having camera supporting section and vertical back section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Kliewer's camera mounting mechanism with strap mounted in the opening of the platform and to have added vertical back section to Kliewer's platform as taught by Pugliesi to provide alternative method for securing the camera on the platform and additional support for retaining the camera on the platform.

Kliewer in view of Pugliesi teaches the vertical section and camera mounting mechanism but fails to teach the vertical section supports the camera mounting mechanism having plurality of openings and strap extending therethrough. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Kliewer in view of Pugliesi's position of camera mounting mechanism from horizontal to vertical section and to have added additional openings in the vertical section to provide designer's choice for securing the camera on the vertical back section and to provide additional location on the vertical section to support variety size of camera.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kliewer in view of Pugliesi and in further view of US Patent # 4,907,778 to Rockwell.

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Kliewer teaches the upper shaft and lower shaft but fails to teach they are in the same length. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the length of upper and lower shafts to same length to provide designer's preference for the length of upper and lower shafts.

Kliewer teaches the lower section but fails to teach the lower section includes two foot assists and at least two side anchors extending downward from the foot assists. Rockwell teaches the lower section (30) including two foot and at least two side anchors (34) extending downward from the foot assists. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added foot assist with side anchor to Kliewer's lower section as taught by Rockwell to provide convenience for driving the lower section in the ground.

Kliewer in view of Rockwell teaches the platform and foot assists but fails to teach the height, width and depth are the same for platform and foot assists. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the height, width, depth of platform and foot assists to same size to provide designer's preference for the size of platform and foot assists.

***Allowable Subject Matter***

Claims 10-12 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claims 15-20 and 23-24 are allowed.

The following is an examiner's statement of reasons for allowance: In regard to claims 10-12 and 22, the prior art fails to teach the platform defines an opening that receives the lower shaft when the lower section is detached from and inverted relative to the upper section, wherein the stand can be arranged in a compact configuration for storage and shipment. In regard to claims 15-18 and 23-24, the prior art fails to teach the lower shaft inserted through the shaft opening in the platform and telescopically inserted at least partially into the hollow upper shaft, wherein the platform and the anchor are adjacent each other with the upper and lower shafts not positioned therebetween. In regard to claims 19-20, the prior art fails to teach the method for inserting the inverted lower shaft through the shaft opening in the platform until the platform and the anchor are adjacent to each other and the upper and lower shafts are not positioned therebetween.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5, 10-14 and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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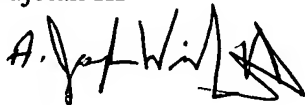
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Alfred Joseph Wujciak III

Examiner

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9/22/05

A handwritten signature in black ink, appearing to read "A. J. Wujciak III", followed by a stylized flourish or checkmark.